

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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May 29, 1971

National Security Decision Memorandum 111

TO: The Secretary of State
The Secretary of Defense

SUBJECT: Brazilian Territorial Sea Claims and Related
Fisheries Problems

The President has reviewed the options paper on the subject of Brazilian territorial sea claims and related fisheries problems.

He has decided that in the interest of minimizing the risk of confrontation with Brazil, the Department of State should inform the highest level of the Brazilian Government of the President's decision that we are prepared to enter into fisheries negotiations this fall after the completion of the preparatory law of the sea negotiations to be held in Geneva beginning July 19.

In conveying this message to the Brazilian Government, the Department of State should stress that we are currently engaged in a comprehensive review of oceans policy matters and that we believe our agreement to hold fisheries negotiations this fall to be a fair and reasonable position. The Brazilians may also be informed that we have no objection to their publicizing our willingness to negotiate this fall.

We should also express the hope to the Brazilians that this action on our part will permit them to exercise restraint in the enforcement of their fishing regulations. If the matter of fines and vessel seizures is raised, the Brazilians should be reminded of existing U. S. statutory provisions governing such questions.

Appropriate soundings should also be taken with other nations whose fishing vessels might be affected by Brazil's fishing regulations to explore the possibility of (a) coordinating efforts to persuade Brazil to exercise restraint in implementing its fishing regulations pending the outcome of negotiations and (b) developing a concerted negotiating position for the fall.

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E.O. 12958, as amended
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The President is prepared to consider earlier entry into exploratory discussions if the Brazilians insist that negotiations cannot wait until fall. A specific request for such authorization should be submitted to the President if our initial approach appears to be unsuccessful.

Depending on the Brazilian response, consideration will be given to a Presidential letter to President Medici stressing the importance we attach to these matters, particularly as they affect the successful outcome of the Law of the Sea Conference scheduled for 1973.


Henry A. Kissinger

cc: The Secretary of Commerce

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